

106TH CONGRESS
2D SESSION

S. CON. RES. 79

Expressing the sense of Congress that Elián González should be reunited with his father, Juan Gonzalez of Cuba.

IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2000

Mr. DODD (for himself, Mrs. BOXER, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. LEAHY) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

Expressing the sense of Congress that Elián González should be reunited with his father, Juan Gonzalez of Cuba.

Whereas Elián González, a 6-year-old citizen of Cuba, lost his mother in a tragic boat accident and floated alone for days in treacherous conditions off the coast of Florida;

Whereas Elián González was found November 25, 1999, alive but physically and emotionally drained, brought ashore and examined at a hospital, and released temporarily by the Immigration and Naturalization Service (INS) into the care of his great-uncle and cousins in the Miami area while it evaluated his case;

Whereas the natural father and sole surviving parent of Elián González, Juan Gonzalez of Cuba, has repeatedly re-

requested that the United States Government return his son to him immediately;

Whereas the President rightly determined that the fate of Elian Gonzalez should be determined by United States statutes and regulations related to immigration cases involving children;

Whereas the INS, after interviewing Juan González twice in Cuba and carefully reviewing all relevant laws, rules, and evidence, correctly determined on January 5, 2000, that Juan Gonzalez is a caring and involved father, that Elian Gonzalez faces no credible threat of political persecution if returned to his father, and as a result, that Juan González possesses the sole authority of speaking for Elian Gonzalez regarding his son's immigration status in the United States under Federal immigration law and universally accepted legal norms;

Whereas the INS resolved to return Elián to Cuba by January 14, 2000, to live with his father Juan Gonzalez, in accordance with his father's request;

Whereas on January 12, 2000, the Attorney General fully supported the INS ruling, reaffirmed INS jurisdiction over the matter, and said that a decision by a Florida State court judge granting temporary custody of Elian Gonzalez to his relatives in Miami, establishing a March 6, 2000, date for a hearing on permanent custody, and calling for the father's presence at that hearing had no force and effect;

Whereas only the Federal courts have the jurisdiction to review the Attorney General's decision;

Whereas what Elián González needs most at this time is to be with the father and both set of grandparents who

raised him so that he can begin the process of grieving for his mother, in peace;

Whereas despite the existence of important political disagreements between the Governments of the United States and Cuba, these differences should not interfere with the right to privacy of a 6-year-old child or his sacred bond with his father; and

Whereas any unusual or inappropriate changes to immigration law made by Congress to naturalize a minor without the parents' consent would have the effect of encouraging parents in other nations to risk the lives of their children under the false hope that they might receive special treatment outside standard channels for legal immigration: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring)*, That it is the sense of the Congress that—

3 (1) Congress should not interfere with normal
4 immigration proceedings by taking any unusual or
5 inappropriate legislative measures designed to delay
6 the reunification of Elián and Juan González; and

7 (2) the Immigration and Naturalization Service
8 should proceed with its original decision to return
9 Elián Gonzalez to his father, Juan Gonzalez, in
10 Cuba and take all necessary steps to reunify Elián
11 Gonzalez with his father as soon as possible.

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